

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST LOUIS DIVISION

JANET MILLER
RECEIVED BY MAIL

Plaintiff, OCT X 6 2008
vs. U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

VALENTINE & KEBARTAS, INC.

Defendant.

Civil Action No.

4:08CV01538DDN

COMPLAINT

NOW COMES the Plaintiff, JANET MILLER, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, VALENTINE & KEBARTAS, INC., and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Janet Miller, ("Plaintiff"), is an individual who was at all relevant times residing in the City of St Louis, State of Missouri.

4. At all relevant times herein, Defendant, Valentine & Kebartas, Inc., ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to JP Morgan Chase.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Massachusetts.

ALLEGATIONS
COUNT I
VIOLATIONS OF THE FDCPA v. VALENTINE & KEBARTAS, INC.

6. In March of 2008, Plaintiff began receiving telephone calls from a representative of Defendant attempting to collect a debt allegedly owed to JP Morgan Chase.

7. On March 12, 2008, an attorney left a message for Plaintiff on her answering machine. In said message Defendant stated it was calling regarding collection of a debt and then went on to state information regarding the VIN number of Plaintiff's automobile and demanded Plaintiff return the call immediately.

8. Defendant proceeded to contact Plaintiff at her place of employment and left several messages for Plaintiff to return the calls.

9. Defendant then contacted Plaintiff's mother, an elderly woman who suffers from a heart condition, and told her it was an emergency and that Plaintiff must contact Defendant immediately.

10. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

- a. Communicated in connection with the collection of a debt with any person other than the consumer, his attorney, a consumer reporting agency, the creditor, the attorney of the creditor, or the attorney of the debt collector in violation of 15 U.S.C. § 1692c(b); and

b. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10).

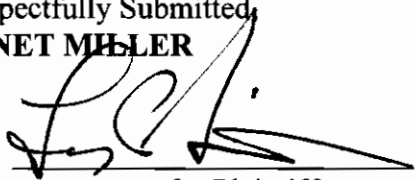
11. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, JANET MILLER, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY *****

Respectfully Submitted,
JANET MILLER

By: 
Attorney for Plaintiff

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